



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**SEP 21 2012**

CERTIFIED MAIL 7012 1010 0001 8097 0580  
RETURN RECEIPT REQUESTED

The Honorable Billy P. Carneal  
Mayor, City of Springfield  
405 Main Street  
P.O. Box 788  
Springfield, Tennessee 37172-0788

Re: Administrative Order on Consent No. CWA-04-2012-4781  
National Pollutant Discharge Elimination System Permit No. TN0024961  
City of Springfield, Tennessee

Dear Mayor Carneal:


Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), as amended, the Director of the Water Protection Division, United States Environmental Protection Agency, Region 4 has determined that the above named facility is in violation of Section 301 of the CWA, 33 U.S.C. § 1311. As a result, the Director has issued the enclosed Administrative Order on Consent (AOC).

This AOC does not replace, modify or eliminate any other requirements of the CWA or National Pollutant Discharge Elimination System Permit (NPDES). Notwithstanding the issuance of this AOC, the EPA retains the right to bring further enforcement action under Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), for the violations cited therein or for any other violation of the CWA. Violations of the CWA, including requirements contained in a NPDES permit or an AOC issued under Section 309(a) of the CWA, remain subject to a civil penalty of up to \$37,500 per day for each violation, pursuant to Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), as amended by the Civil Monetary Penalty Inflation Adjustment Rule, 73 Fed. Reg. 75340 (December 11, 2008). Such violations may also be subject to criminal penalties pursuant to Section 309(c) of the CWA.

If you have any questions concerning the enclosed AOC, please contact Mr. Dennis Sayre at (404) 562-9756, via email at [Sayre.Dennis@epa.gov](mailto:Sayre.Dennis@epa.gov), or at the address on the letterhead.

Sincerely,



 Denise D. Diaz, Chief  
Clean Water Enforcement Branch  
Water Protection Division

Enclosure

cc: Mr. Alan Schwendimann  
Tennessee Department of Environment and Conservation

Mr. Paul Nutting  
City of Springfield

Mr. James Balthrop  
City of Springfield

Mr. Roger D. Lemaster, P.E.  
City of Springfield



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REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 21 2012

CERTIFIED MAIL 7012 1010 0001 8097 0573  
RETURN RECEIPT REQUESTED

Dr. Sandra Dudley, P.E.  
Environmental Program Administrator  
Division of Water Resources  
Tennessee Department of Environment and Conservation  
6th Floor, L&C Tower  
401 Church Street  
Nashville, Tennessee 37243

Re: Administrative Order on Consent No. CWA-04-2012-4781  
National Pollutant Discharge Elimination System Permit No. TN0024961  
City of Springfield, Tennessee

Dear Dr. Dudley:

Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), I have determined that the above referenced facility is in violation of Section 301 of the CWA, 33 U.S.C. § 1311. As a result, I have issued an Administrative Order on Consent (AOC), a copy of which is enclosed for your reference. The AOC is presently being served.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. D. Giattina".

James D. Giattina  
Director  
Water Protection Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

|                                 |                                      |
|---------------------------------|--------------------------------------|
| <b>IN THE MATTER OF:</b>        | ) <b>ADMINISTRATIVE ORDER</b>        |
|                                 | ) <b>ON CONSENT</b>                  |
| <b>THE CITY OF SPRINGFIELD,</b> | )                                    |
| <b>TENNESSEE</b>                | ) <b>DOCKET NO. CWA-04-2012-4781</b> |
| _____                           | )                                    |

**STATUTORY AUTHORITY**

This **ADMINISTRATIVE ORDER ON CONSENT (ORDER)** is issued pursuant to the authority vested in the Administrator of the EPA by Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), as amended, which has been delegated to the Regional Administrator, EPA Region 4, and re-delegated by the Regional Administrator to the Director of the Water Protection Division.

**EPA FINDINGS OF FACT AND LAW**

The Director alleges the following:

1. To accomplish the objective of the CWA, as defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the point source discharge of pollutants into navigable waters except as in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

2. The City of Springfield, Tennessee (City) is a municipality existing under the laws of the State of Tennessee and is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and thus subject to its requirements.

3. The City owns and operates a Publicly Owned Treatment Works (POTW) including a Wastewater Collection and Transmission System (WCTS) that connects to the Springfield Sewage Treatment Plant (STP) located at 530 Lawrence Lane, Springfield, Tennessee. This POTW discharges "pollutants" from a "point source" into the Sulphur Fork Creek, a "navigable water" as defined at Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

4. The Tennessee Department of Environment and Conservation (TDEC), issued NPDES Permit No. TN0024961 (Permit) to the City for the POTW for the discharge of treated domestic and industrial sanitary wastewaters into navigable waters subject to specific terms and conditions. The Permit became effective on May 1, 2010, and expires on December 31, 2014.

5. The Permit includes a requirement, at Section 2.1.4 of the Permit, to properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment.

6. The Permit includes a requirement, at Section 2.3.3 of the Permit, that the City operate the collection system so as to avoid overflows, and further states that overflows are prohibited.

7. On August 29, 2011, the EPA sent an Information Request Letter, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, to the City requesting information related to Sanitary Sewer Overflows (SSOs), as defined in Attachment A to this Order, to evaluate the performance of the STP and its associated WCTS, and to assess the City's compliance with the Permit and the CWA.

8. On October 6, 2011, the EPA conducted a Compliance Evaluation Inspection (CEI) of the STP and its associated WCTS to further evaluate the City's compliance with its Permit and the CWA.

9. Based on its review of information obtained and observations made during its inspection the EPA found that the City has experienced numerous Sanitary Sewer Overflows (SSOs) and has constructed, and maintained as operational, three unpermitted outfalls (constructed overflows).

10. The City failed to properly operate the STP and its associated WCTS in accordance with its Permit, and it violated the CWA when the City discharged wastewater without a permit through the three constructed overflows.

11. The City has violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a), in that some of the City's SSOs include discharges of untreated wastewater containing pollutants to navigable waters at locations not authorized by an NPDES permit.

12. The City has violated Section 2.1.4 of its NPDES Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, by failing to properly operate and maintain its WCTS resulting in SSOs.

13. Based on the above, the Director finds that the City is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, and the above referenced provisions of its NPDES permit.

#### **WORK TO BE PREFORMED**

Based on the foregoing Findings and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), THE DIRECTOR HEREBY ORDERS AND THE CITY AGREES TO THE FOLLOWING:

14. **Obligation to Perform Work.** Upon the Effective Date of this Order, the City shall begin to implement the Work pursuant to this Order. All Work shall be performed using sound engineering practices, which may include appropriate provisions of the *Handbook: Sewer System Infrastructure Analysis and Rehabilitation*, EPA/625/6-91/030, 1991, the *Existing Sewer Evaluation and Rehabilitation*, WEF MOP FD-6, 1994, and the Pipe Assessment Certification Program ("PACP") and Manhole Assessment Certification Program (MACP) standards of the National Association of Sewer Service Companies (NASSCO), Owings Mills, MD (<http://www.nassco.org>). The City shall be required to develop and implement the measures set forth in Paragraphs 17 through 20 below.

15. **Definitions.** Terms used in this Order, that are defined in the CWA or in the regulations promulgated pursuant to the CWA, shall have the meanings assigned to them in the CWA and/or the regulations promulgated under the CWA, unless otherwise provided in this Order. Whenever a term is used that is in Attachment A to this Order then the definition set forth in Attachment A for that term shall apply.

16. **Sanitary Sewer Overflows.** Within two (2) months of the Effective Date of this Order, the City shall identify and provide to the EPA a list of SSOs (including from constructed overflows) for the past twenty-four (24) months prior to the Effective Date of this Order. For each SSO provide the following, if available: location of the SSO, including source (pump station, manhole, etc.); date and time of the SSO; date and time when the City was notified of the SSO event; date and time when the City (or any contractor) responded to the SSO; date and time when the SSO ceased; corrective actions taken to stop the SSO; date and time when corrective action was completed; ultimate destination of the SSO, such as surface waterbody (by name), storm drain leading to surface waterbody (by name), dry land, building, etc.; volume of the SSO; and cause of the SSO such as grease, roots, other blockages, wet weather (infiltration and inflow), loss of power at pump station, pump failure, etc.

17. **System Evaluation and Rehabilitation Plans.** In accordance with the provisions set out below the City shall develop a **System Evaluation and Rehabilitation Plan (SERP)** to evaluate and rehabilitate the City's WCTS, and to identify deficiencies within the WCTS that contribute to SSOs and Excessive Infiltration and Inflow (I/I), as defined in Attachment A. The SERP shall include a plan of action to correct those deficiencies. The SERP will consist of a **Capacity Assessment Plan**, a **Sewer System Evaluation Survey (SSES)** and a **Collection System Remediation Plan**. In developing the SERP, the City should refer to published guidance documents, including but not limited to, *Sewer System Infrastructure Analysis and Rehabilitation* handbook, EPA/625/6-91/030, October 1991; *Computer Tools for Sanitary Sewer System Capacity Analysis and Planning*, EPA/600/R-07/111, October 2007; *Existing Sewer Evaluation and Rehabilitation*, WEF MOP FD-6, 1994; the National Association of Sewer Service Companies (NASSCO) *Manual of Practice*; the State of Tennessee's *Tennessee Design Criteria for Sewage Works*, April 1989, and *A Guide to Short Term Flow Surveys of Sewer Systems*, WRC Engineering (Undated).

A. Capacity Assessment. Within six (6) months of the Effective Date of this Order, the City shall submit a **Capacity Assessment Plan** to the EPA for review, comment and approval that will describe how the City will undertake a **Capacity Assessment** that shall include an engineering study to comprehensively evaluate the design hydraulic capacity and actual dry weather and wet weather flow conditions of the WCTS. The Capacity Assessment Plan shall provide details on the methodology to be used (e.g., Manning/Chezy) and whether that methodology will be carried out using manual computations or computerized modeling. If computerized modeling is to be used for some or all of these analyses, a description of the software package(s) to be used shall be included in the Capacity Assessment Plan. In either case, both the overall approach proposed and the specific analyses to be applied to the WCTS shall be described.

i. The Capacity Assessment Plan shall propose rainfall monitoring and collection system flow metering to measure actual flow in the WCTS during dry weather so as to allow for the characterization of base flows and groundwater infiltration and wet weather conditions during rain events of sufficient duration and intensity to cause Excessive I/I in the system to allow for the prioritization of Sewersheds and to support the development of the WCTS Remediation Plan. The flow and rainfall monitoring network shall be designed, installed, operated and maintained to provide representative data of sufficient quality for use in the development of the Capacity Assessment. Monitoring site selection, equipment selection and installation, calibration, maintenance, and data quality assurance checks shall all be carried out to optimize monitoring accuracy, and shall conform to the equipment manufacturers' recommendations and current, sound engineering practices.

ii. The Capacity Assessment Plan shall include plans to evaluate pump station capacity as part of the system hydraulic analysis and identify any pump station deficiencies that cause or contribute to SSOs or the likelihood of SSOs in the absence of constructed overflows.

iii. The Capacity Assessment Plan shall indicate any design storms utilized in hydraulic modeling efforts. The choice of design storm shall be based on actual historic rainfall data, or otherwise justified using sound engineering practices.

iv. The Capacity Assessment Plan shall include plans to evaluate worst-case (high flow/high groundwater) conditions, and all expected upstream and downstream influences, including hydraulic capacity and I/I, on each reach of a Sewer System affecting Critical Sewersheds as defined in Attachment A.

B. Capacity Assessment Report. Within twelve (12) months after approval of the **Capacity Assessment Plan** the City shall complete the **Capacity Assessment** and submit a **Capacity Assessment Report**.

i. The Capacity Assessment Report shall provide summary information on how the various collection system components were modeled and describe all simplifying

assumptions that were used in the modeling effort. The hydraulic analysis results shall include a diagram of the hydraulic grade lines and surcharge conditions for each Critical Sewershed, an explanation of limiting factors (i.e., why the pipe surcharges at a given flow), and an analysis of pump station capacity affecting each segment analyzed and a prioritization of Critical Sewersheds according to severity of I/I.

ii. The Capacity Assessment Report shall identify any anticipated SSOs caused by the elimination of constructed overflows.

iii. The Capacity Assessment Report shall include a map or maps of usable scale of the WCTS, including the tributary pipes, that clearly displays the location of all known SSOs reported in the past five (5) years and constructed overflows. The map(s) shall clearly identify each Sewershed as defined by the City and identify Critical Sewersheds. The map(s) may be divided into subsections and multiple pages for clarity or in electronic format.

C. Sewer System Evaluation Survey. Within six (6) months of the Effective Date of this Order, the City shall submit a **Sewer System Evaluation Survey Work Plan** (SSES Work Plan) to the EPA for review, comment and approval. This SSES Work Plan will describe how the City will undertake a **Sewer System Evaluation Survey** (SSES) that will result in the systemic examination of the sewer system. The SSES Work Plan shall include plans to identify and quantify sources of I/I within the Sewershed; identify cross connections and unauthorized connections; and identification of physical degradation of the WCTS, including general pipe condition and condition of force mains, that causes or contributes to SSOs. Upon the EPA's approval of the SSES Work Plan, the City shall implement the SSES in accordance with the schedules therein.

i. The SSES shall include, and the SSES Work Plan shall also establish plans to review existing data to be used for SSO identification, sewage flows, STP and WCTS attributes (e.g., pipe diameters, pipe segment lengths, diversion structure characteristics, catchment characteristics, invert elevations, pipe interior roughness coefficients, etc.), rainfall, and groundwater levels; and an evaluation of the accuracy, completeness and adequacy of such existing data for purposes of supporting the characterization of the WCTS and sources of extraneous wet weather flow. The data review shall further identify all additional data needed to allow the SSES to satisfy the objectives stated herein.

ii. The SSES Work Plan shall contain requirements to perform detailed investigative activities in the locations determined to have Excessive I/I and any portions of the WCTS that cause or contribute to SSOs. The investigative activities shall include, as appropriate, additional flow monitoring to isolate sources of Excessive I/I; smoke testing; visual inspections of pipes and manholes; dye testing; night flow isolation; CCTV inspection to identify sewers in need of repair, rehabilitation, or replacement; and building inspections. The further investigative activities shall be sufficient to allow detailed characterizations of all significant sewer defects in Critical Sewersheds.

iii. The SSES Work Plan shall include expeditious schedules for performing and completing the SSES. The SSES shall be completed no later than **twelve (12) months** after the EPA's approval of the SSES Work Plan. An **SSES Results Report** shall be submitted within **two (2) months** after completion of the Survey.

D. WCTS Remediation Plan. Within **two (2) months** of submission of the SSES Results Report, the City shall develop and submit to the EPA for review, comment and approval, a **WCTS Remediation Plan** with specific measures and schedules that, when implemented, will result in elimination of all constructed overflows and adequate capacity in its wastewater collection and transmission system such that SSOs will be eliminated under current and future conditions.

i. The WCTS Remediation Plan shall identify all measures necessary to achieve adequate capacity. Adequate capacity is that capacity needed to collect, convey and treat anticipated peak wet weather flows, without causing SSOs. At a minimum, peak wet weather flows shall include the conditions considered as part of the Capacity Assessment pursuant to Paragraph 17.A.iv. If insufficient capacity to accommodate projected peak wet weather flows exists in any portion of the system, the City shall identify and propose measures to provide adequate capacity to eliminate SSOs.

ii. The WCTS Remediation Plan shall identify all measures necessary to eliminate all SSOs caused by physical degradation of sewers, inadequate system capacity, including pump station capacities, or poor pump station reliability. The plan shall also identify all measures necessary to eliminate any anticipated SSOs identified during the hydraulic analysis as a result of eliminating constructed overflows.

iii. The WCTS Remediation Plan shall identify the degree to which sources of Excessive I/I shall be removed, and the degree to which Excessive I/I removal is expected to alleviate capacity constraints, and propose specific remedial measures that will address those capacity limitations not expected to be addressed by I/I removal. Anticipated I/I removal rates used in the development of the WCTS Remediation Plan shall reflect current industry practice and local experience. Specific remedial measures to address capacity limitations may also include increases in pump station and sewer pipe capacity in the WCTS, construction of storage or equalization basin facilities, or increases in wastewater treatment capacity.

iv. WCTS Remediation Plan shall prioritize the remedial measures based upon: (1) relative likely human health and environmental impact risks; (2) SSO frequencies of activation; and (3) total annual SSO volumes. The WCTS Remediation Plan shall provide a description of the methodology used in the prioritization.

v. The WCTS Remediation Plan shall provide basic project descriptions, estimated capital costs and a schedule for design, construction, and placement in service of all proposed measures that is as expeditious as possible, but in no event **later than three (3) years**

**after submission of the WCTS Remediation Plan (the Remediation Date).** In the event that major sewer interceptor replacement (or other major capital improvement) is identified as a result of the Capacity Assessment and/or the SSES, the City may request, in writing and with supporting documentation, for an extension beyond the Remediation Date. Approval of any extension beyond the Remediation Date shall be at the EPA's discretion and in writing.

18. **Sanitary Sewer Overflow Response Plan.** Within six (6) months of the Effective Date of this Order, the City shall submit a Sewer Overflow Response Plan (SORP) to the EPA for review, comment and approval that will establish timely and effective methods and means of responding to, cleaning up, and/or minimizing the impact of all SSOs; timely reporting of the location, volume, cause, impact, and other pertinent information of all SSOs to the appropriate regulatory agencies; and notification methods to the potentially impacted public.

A. The SORP shall provide procedures for orally reporting to TDEC the location of any SSO by street address or any other appropriate method (i.e., latitude-longitude) within twenty-four (24) hours of the time the City first becomes aware of the SSO.

B. The SORP shall provide procedures for written reporting to TDEC within five (5) days of the time the City first becomes aware of the SSO. At a minimum, a written report shall contain the following:

- i. Location of the SSO by street address, or any other appropriate method (i.e., latitude-longitude).
- ii. Estimated date and time when the SSO began and stopped, or if still active, the anticipated time to stop the SSO.
- iii. Steps taken to respond to the SSO.
- iv. Ultimate destination of the SSO, such surface waterbody (by name), if applicable, storm drain leading to surface waterbody (by name), dry land, building, etc.
- v. An estimate of the volume (in gallons) of sewage discharged.
- vi. Description of the Sewer System component from which the SSO was released (ie., manhole, crack in pipe, pump station wet well, constructed overflow pipe).
- vii. Estimate of the SSO's impact on public health and water quality in the receiving water body.
- viii. Cause or suspected cause of the SSO.
- ix. The date of the last SSO at the same location within the past five years.

x. Steps taken or to be taken to reduce, eliminate, and prevent reoccurrence of the SSO with a schedule of major milestones for those steps.

xi. Report of all notifications to the public and other agencies or departments.

C. The SORP shall provide procedures for maintenance of records for at least five (5) years from the date of an SSO, including all written reports to the State; records documenting steps that have been and will be taken to prevent the SSO from recurring, including work order records associated with investigation and repair activities; and a list and description of complaints from customers or others regarding an SSO.

D. The SORP shall provide procedures for responding to SSOs to minimize the environmental impact and potential human health risk, and shall include, but not be limited to, the following:

i. A detailed description of the procedures to immediately provide notice to the public (through the local news media or other means including signs or barricades to restrict access).

ii. A detailed description of the procedures to provide notice to appropriate federal, state or local agencies/authorities.

iii. A detailed description of the procedures (including response standard operating procedures) to minimize the volume of untreated wastewater discharged at an SSO location.

iv. A detailed description of pump station-specific emergency procedures, bypass/ pump-around strategies, and estimated storage capacity (i.e., maximum volume of sewage that can be stored in the event of a pump station failure or repair without causing an SSO and estimated time during which sewage can be stored before an SSO will occur).

v. In the event that a repair may cause or lengthen the time of an SSO, a detailed procedure for determining when additional storage or pump around will be needed.

vi. A detailed plan describing the standard operating procedures to be followed by City personnel in responding to building backups, including:

a. Methods for communicating with customers about how to report building backups and how to obtain clean-up.

b. Response to building backups, including timeframe for responses, measures to be taken to clean up building backups caused by conditions in the City's Sewer System, procedures to disinfect and/or remove potentially contaminated items (ie., wet vacuuming, wiping floors and walls with disinfectant, flushing out and disinfecting plumbing fixtures, carpet cleaning or replacement), procedures to correct or repair conditions in the sewer

system causing or contributing to the building backup, and the follow-up process to insure adequacy of cleanup.

c. Resources to correct or repair the condition causing or contributing to the building backup.

E. The SORP shall provide procedures for providing adequate training necessary for City employees to effectively implement the SORP. The SORP shall provide training guidelines to ensure adequate response training is provided to management and field personnel responsible for responding to SSOs. The SORP shall provide procedures for adequate training to response personnel for estimating volumes from SSOs.

F. The City shall identify and include in the SORP a list of those SSO locations within the Sewershed that have been recorded as overflowing more than once in a 12 month period and those locations at which an SSO is likely to occur first in the event of pump station failure for each pump station. The SORP shall provide procedures for establishing routine inspection routes to be performed after each rain event. The inspection routes shall include all SSO locations identified as having occurred more than once in a 12 month period, and all pump stations that are not monitored at a central location via remote monitoring devices.

19. **Capacity, Management, Operation, and Maintenance Programs.** The City shall develop the following Capacity, Management, Operation, and Maintenance (CMOM) Programs in accordance with the provisions set forth below. All CMOM Programs shall be developed in accordance with EPA Region 4 guidance as set forth in the CDROM disk attached as Attachment B to this Order. The City shall ensure that such Programs contain the following key CMOM elements: written, defined purpose; written, defined goals; written documentation with specific details; implementation by trained personnel; establishment of performance measures; and written procedures for periodic review. Within twelve (12) months of the EPA's approval of a CMOM Program, the City shall certify to the EPA that such CMOM program has been fully implemented.

A. **Capacity Assurance Program.** Within twenty four (24) months after the Effective Date of this Order, the City shall develop and submit to EPA review and approval a Capacity Assurance Program (CAP) described in each of the sub-paragraphs below.

i. **Adequate Capacity Definitions:**

a. "Adequate treatment capacity" shall be demonstrated by the City's certification that the STP which will receive flow from newly authorized sewer service connection(s) or increased flows from existing sewer service connections will not be in "non-compliance" for quarterly reporting as defined in 40 C.F.R. Part 123.45, Appendix A, at the time the WCTS receives the flow from the newly authorized sewer service connection(s) or increased flows from existing sewer service connections, and the flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the City's WCTS.

b. "Adequate transmission capacity" shall be demonstrated by the City's certification that each Pump Station through which all flow from the newly authorized sewer service connection(s) or increased flows from existing sewer service connections passes to the STP receiving such flow can transmit the existing one (1) hour peak flow passing through the pump station plus the addition to existing peak flow predicted to occur from the newly authorized sewer service connection(s) or increased flows from existing sewer service connections, and the addition to existing peak flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the City's WCTS.

c. "Adequate collection capacity" shall be demonstrated by the City's certification that each Gravity Sewer Line through which all flow from the newly authorized sewer service connection(s) or increased flows from existing sewer service connections passes to the STP receiving such flow can carry the existing one (1) hour peak flow passing through the gravity sewer line plus the addition to existing peak flow predicted to occur from the newly authorized sewer service connection(s) or increased flows from existing sewer service connections, and the addition to that existing peak flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the City's WCTS.

ii. Program Components.

a. The Capacity Assurance Program shall assure that there is adequate capacity to collect, transmit and treat the additional sewage expected as a result of new sewer service connections or increases in flow from existing connections. Except as provided in Paragraph 19.A.ii.d and e below, the City shall authorize only those new sewer service connections, or increases in flow from existing sewer service connections, as provided for in the approved Capacity Assurance Program.

b. The Capacity Assurance Program shall specify the technical information and analytical techniques, including model or software, to be used by the City to calculate collection, transmission and treatment capacity. The Capacity Assurance Program shall be integrated into, or thoroughly coordinated with, the building permit process. The Capacity Assurance Program shall be integrated into the process for acquiring existing sewers from other owners, and a brief description of how this integration will be accomplished shall be included in the Capacity Assurance Program submittal. The Capacity Assurance Program shall include, or be coordinated with, a new connection/acquisition information management system. The Capacity Assurance Program shall include an information management system for tracking the cumulative analyses and relating those analyses to the Infiltration/Inflow (I/I) reduction program. The Capacity Assurance Program shall provide for certification of adequate capacity by a registered professional engineer for each new/increased connection.

c. The City shall have in place a program containing all of the capacity assurance evaluation protocols, and a brief description of these protocols should be included in the Capacity Assurance Program. These protocols include parameters such as: standard design flow rate rules of thumb (regarding pipe roughness, regarding manhole head

losses, regarding as-built drawing accuracy (distance and slope), and regarding water use (gpcd)), projected flow impact calculation techniques, metering of related existing peak flows (flows metered in support of analysis and manual observation of existing peak flows).

d. Capacity for Treatment, Transmission and Collection in Lieu of Certification. The City may authorize a new sewer service connection, or additional flow from an existing sewer service connection, even if it cannot satisfy the requirements of Paragraph 19.A.ii.a, b and c above, provided the City certifies that the following provisions, where applicable, are satisfied:

- 1). The City is in substantial compliance with this Order.
- 2). The City shall complete, prior to the time the proposed additional flow from new or existing sewer service connections is introduced into the WCTS, specific capacity enhancing projects, I/I removal projects, and/or removal of connections which will add sewer capacity or reduce peak flows to the identified sewer line segment(s), Pump Station(s), and/or wastewater treatment system(s) in the WCTS, such that the estimated reduction in peak flows or added capacity resulting from such projects must exceed the estimated amount of any proposed additional flow by a factor of 2:1.
- 3). Any new sewer service connection or increase in flow to an existing connection authorized prior to the completion of a necessary added capacity or one (1) hour peak flow reduction project as set forth above shall be conditioned upon completion of such project prior to the time that the new sewer service connection or flow increase is introduced into the WCTS.
- 4). The City may use a "banking credit system" for the sewer line segment(s), Pump Station(s), and/or wastewater treatment systems for which the City is not able to satisfy the conditions set forth in Paragraph 19.A.ii.a, b and c above. The addition of sewer capacity and/or reduction in one (1) hour peak flows from capacity enhancement projects, I/I removal projects, and removal of connections, completed after the Effective Date of this Order, to the affected sewer line segment, pump station, or wastewater treatment system, may be accumulated in the form of credits in the banking credit system in accordance with the factors set forth in sub-paragraph ii above, which may then be used for authorization of future sewer service connections or increases in flow from existing connections to the affected sewer line segment, Pump Station, or wastewater treatment system in the capacity-limited portion of the WCTS.
- 5). Within one (1) month of the Effective Date of this Order, the City shall also establish a list of all authorized new sewer service connections or increases in flow from existing connections which flows have not yet been introduced into the WCTS. The following information shall be recorded for each authorized connection: street address, estimated average daily flow, estimated peak flow, STP, date authorized, and estimated calendar quarter when the additional flow from the connection will begin. The City shall update and maintain this list until full implementation of the CAP, as approved by the EPA, and, upon introduction into

the WCTS, any such new sewer service connections or increases in flow from existing connections shall be accumulated in the form of debits in the banking credit system.

e. Notwithstanding the provisions of Paragraph 19.A.ii.a, b and c above, the City may authorize a new sewer service connection, or additional flow from an existing sewer service connection, even if it cannot certify that it has Adequate Transmission Capacity, Adequate Collection Capacity, and/or Adequate Treatment Capacity as set forth in Paragraph 19.A.ii.a, b and c above for health care facilities, public safety facilities, public schools, government facilities, and other facilities as agreed upon in writing by EPA; and in those cases where a pollution or sanitary nuisance condition exists, as the result of a discharge of untreated wastewater from an on-site septic tank. For all such new service connections, or additions to flow from an existing connection, the City shall make the appropriate subtraction to the balance in the credit bank described in Paragraph 19.A.ii.d.4 above.

B. Pump Station Operations and Preventive Maintenance Program. Within twelve (12) months after the Effective Date of this Order, the City shall develop and submit to EPA for review and approval a Pump Station Operation and Preventive Maintenance Program, which includes a implementation schedule. The Pump Station Operation and Preventive Maintenance Program shall include the components described in the sub-paragraphs below.

i. The Pump Station Operations and Preventative Maintenance Program shall address pump station operations at pump stations that are to be conducted on a routine, scheduled basis. The program will define the standard pump station operating procedures to be followed at each pump station such as reading and recording information from the elapsed time meters, recording information from the pump start counters, observing wet well conditions and grease accumulation, checking and re-setting, as necessary to improve system performance, wet well set points, checking and recording system pressure, checking SCADA components, checking alarms and stand-by power and identifying maintenance needs. The program will establish program elements such as schedules, routes, priorities, standard forms and reporting procedures and performance measures.

ii. The Pump Station Operations and Preventative Maintenance Program shall include emergency pump station operations procedures. The program shall address pump station operations at pump stations that are to be conducted as a result of equipment failure or loss of electrical power. The program will define the emergency pump station operating procedures to be followed at each pump station such as calling for emergency maintenance, initiating stand-by power by bringing in portable generators or initiating portable pump operations for pump around. The program will establish standard forms and reporting procedures and performance measures.

iii. The Pump Station Operations and Preventative Maintenance Program shall include a certification that all pump stations are in good working order. If the City cannot make such certification, the program shall provide a list of required remedial measures and an expeditious schedule for implementation of such measures, provided, however, that such

schedule shall not exceed two (2) years from the date the Pump Station Operations and Preventative Maintenance Program is approved by EPA.

iv. The Pump Station Operations and Preventative Maintenance Program shall include an electrical maintenance component for the preventive maintenance of pump stations. The program shall address elements such as the number of crews and personnel required, standard electrical maintenance procedures, scheduling, standard forms, maintenance of records, performance measures and an information management system.

v. The Pump Station Operations and Preventative Maintenance Program shall include a mechanical maintenance component for the preventive maintenance of pump stations. The program shall address elements such as the number of crews and personnel required, standard mechanical maintenance procedures, scheduling, standard forms, maintenance of records, performance measures and an information management system.

vi. The Pump Station Operations and Preventative Maintenance Program shall include a physical maintenance component for the preventive maintenance of pump stations. The program shall address elements such as the number of crews and personnel required, standard physical maintenance procedures, scheduling, standard forms, maintenance of records, performance measures and an information management system.

C. Fats, Oils and Grease (FOG) Control Program. Within nine (9) months after the Effective Date of this Order, the City shall develop and submit to EPA for review and approval a FOG Control Program, including a schedule for expeditiously implementing the program. The FOG Control Program shall include, at a minimum, the following:

i. The results of a FOG characterization study that shall identify the sources of FOG causing problems in the WCTS and the best method or mechanism for addressing those sources.

ii. A description of the City's legal authority to control the discharge of FOG into the WCTS, including the ability to implement a permit and enforcement program.

iii. Specification of accepted devices to control the discharge of FOG into the WCTS.

iv. Establishment of standards for the design and construction of FOG control devices including standards for capacity and accessibility, site map, design documents and as-built drawings.

v. Establishment of FOG control device management, operation and maintenance standards, or best management practices, that address onsite record keeping requirements, cleaning frequency, cleaning standards, use of additives, and ultimate disposal.

vi. Establishment of construction inspection protocols, including scheduling, inspection report forms, and inspection record keeping requirements, to assure that FOG control devices are constructed in accordance with established design and construction standards.

vii. Establishment of compliance inspection protocols, including scheduling, inspection report forms, and inspection record keeping requirements to assure that FOG control devices are being managed, operated and maintained in accordance with the established management, operation and maintenance standards or best management practices.

viii. Establishment of a FOG disposal manifest system.

ix. Establishment of an enforcement program, including specific enforcement mechanisms, to ensure compliance with the FOG Control Program.

x. Establishment of a compliance assistance program to facilitate training of FOG generators and their employees.

xi. Establishment of a public education program directed at reducing the amount of FOG entering the WCTS from private residences.

xii. Establishment of staffing (technical and legal) and equipment requirements to ensure effective implementation of the FOG Control Program.

xiii. Establishment of a regularly maintained list of current commercial establishment FOG generators including a description of their FOG generating processes and the estimated average daily discharge volume.

xiv. Establishment of performance indicators to be used by the City to measure the effectiveness of the FOG Control Program.

xv. A schedule to review, evaluate and revise the FOG Control Program on at least an annual basis to identify and implement improvements.

D. Gravity Line Preventive Maintenance Program Within twelve (12) months of the Effective Date of this Order, the City shall develop and submit to EPA for review and approval a Gravity Line Preventive Maintenance Program that shall include the following components: (a) blockage abatement mechanisms (including both hydraulic and mechanical cleaning); (b) root control mechanisms; (c) debris control mechanisms, and (d) manhole preventive maintenance procedures. At a minimum, each component of the Gravity Line Preventive Maintenance Program shall include the following for preventive maintenance activities: (a) identification of, and provision for, all personnel and equipment needed; (b) determination of the frequency; (c) establishment of procedures; (d) establishment of priorities for scheduling; (e) development and implementation of standard forms; (f) establishment of

record keeping requirements; (g) establishment of performance measures; and (h) integration of all data collected under the program with other information management systems.

E. Continuing Sewer System Assessment Program (CSSAP). Within twelve (12) months of the Effective Date of this Order, the City shall develop and submit to EPA for review and approval a CSSAP to analyze the infrastructure of the WCTS. The CSSAP shall incorporate the findings of the CMOM Self-Assessment and establish procedures for setting priorities and schedules for undertaking the WCTS assessment components set forth in the subparagraphs below. The CSSAP shall develop these priorities and schedules taking into consideration the nature and extent of customer complaints; flow monitoring, including flow isolation studies; location and cause of SSOs, pump station run times; field crew work orders; any preliminary sewer assessments, such as midnight flow monitoring; and any other relevant information. The CSSAP shall include standard procedures for a CSSAP information management system and performance goals for each component of the CSSAP set forth in subparagraphs below:

i. Corrosion Defect Identification. The Corrosion Defect Identification component of the CSSAP shall establish standard procedures for inspecting and identifying sewer infrastructure that is either corroded or at risk of corrosion. The Corrosion Defect Identification component shall include a system for prioritizing repair of corrosion defects, corrosion identification forms, and procedures for a corrosion defect analysis.

ii. Routine Manhole Inspection. The Routine Manhole Inspection component of the CSSAP shall establish standard procedures for routine inspection of all manholes within the WCTS. The Routine Manhole Inspection component shall include manhole inspection forms and procedures for a manhole defect analysis.

iii. Flow Monitoring. The Flow Monitoring component of the CSSAP shall establish standard procedures for routine flow monitoring during dry and wet weather to support engineering analyses related to sewer system capacity and peak flow studies. Dry weather monitoring shall be carried out so as to allow the characterization of base flows and inflows and infiltration rates. Wet weather monitoring shall be conducted periodically during events of sufficient duration and intensity that cause significant inflow and infiltration into the WCTS. The Flow Monitoring component will identify areas susceptible to inflow and infiltration into the WCTS. The Flow Monitoring Program shall establish a process for determining the number and locations of permanent and temporary flow meters; a program for sewer cleaning associated with flow monitoring; and a procedure for adequate rainfall measurement.

iv. Closed Circuit Television (CCTV). The CCTV component of the CSSAP shall establish standard procedures for routine use of CCTV to support sewer assessment activities, and shall include procedures for CCTV cleaning and a process for the retention and access of CCTV data.

v. Gravity System Defect Analysis. The Gravity System Defect Analysis component of the CSSAP shall establish standard procedures for analysis of gravity sewer system defects. Such procedures shall include Private Lateral investigations to identify sources of inflow and infiltration to the WCTS. The Gravity System Defect Analysis component shall establish standard defect codes; defect identification procedures and guidelines; and a standardized process for cataloging gravity system defects.

vi. Smoke Testing. The Smoke Testing component of the CSSAP shall establish standard procedures for smoke testing of the gravity sewer system to identify sources of inflow and infiltration to the WCTS, including cross connections and other unauthorized connections. Such procedures shall include Private Lateral investigations to identify sources of inflow and infiltration to the WCTS. The Smoke Testing component shall include smoke testing forms and procedures for smoke testing defect analysis.

vii. Pump Station Performance and Adequacy. The Pump Station Performance and Adequacy component of the CSSAP shall establish standard procedures for the evaluation of pump station performance and pump station adequacy. The Pump Station Performance and Adequacy component shall require the use of pump run time meters; pump start counters; computation of Nominal Average Pump Operating Time (NAPOT); root cause failure analysis protocols; and appropriate remote sensing such as Supervisory Control and Data Acquisition (SCADA).

F. Infrastructure Rehabilitation Program (IRP) for the WCTS. Within six (6) months after EPA approval of the CSSAP, the City shall develop and submit to EPA for review and approval an IRP described in the sub-paragraphs below. The IRP shall employ the components identified in sub-paragraphs below to, among other things, address I/I and the other conditions causing SSOs, with the goal of eliminating future SSOs. The IRP shall take into account all information gathered pursuant to the CSSAP. The IRP shall include standard procedures for an IRP information management system and procedures for analysis of the effectiveness of completed rehabilitation for each component of the IRP as set forth below:

i. Gravity Line Rehabilitation. The Gravity Line Rehabilitation component of the IRP shall require rehabilitation of all gravity sewer lines and related appurtenances that have been identified as in need of rehabilitation under the CSSAP. The Gravity Line Rehabilitation component shall establish a process for setting gravity line rehabilitation priorities and schedules; shall establish an ongoing inventory of gravity line rehabilitation, including identification of the rehabilitation techniques used; shall require an analysis of the effectiveness of completed rehabilitation; and shall identify currently scheduled gravity line rehabilitation.

ii. Rehabilitation. The Manhole Rehabilitation component of the IRP shall require rehabilitation of all manholes that have been identified as in need of rehabilitation under the CSSAP. The Manhole Rehabilitation component shall establish a process for setting manhole rehabilitation priorities and schedules; shall establish an ongoing inventory of manhole

rehabilitation, including identification of the rehabilitation techniques used; and shall identify currently scheduled manhole rehabilitation.

iii. Pump Station Rehabilitation. The Pump Station Rehabilitation component of the IRP shall require rehabilitation of all pump stations that have been identified as in need of rehabilitation under the CSSAP. The Pump Station Rehabilitation component shall establish a process for setting pump station rehabilitation priorities and schedules; shall establish an ongoing inventory of pump station rehabilitation, including identification of the rehabilitation techniques used; and shall identify currently scheduled pump station rehabilitation.

iv. Force Main Rehabilitation. The Force Main Rehabilitation component of the IRP shall require rehabilitation of all force mains and related appurtenances that have been identified as in need of rehabilitation under the CSSAP. The Force Main Rehabilitation component shall establish a process for setting force main rehabilitation priorities and schedules; shall establish an ongoing inventory of force main rehabilitation, including identification of the rehabilitation techniques used; and shall identify currently scheduled force main rehabilitation.

G. Information Management System Program Within six (6) months after the Effective Date of this Order, the City shall develop and submit to EPA an Information Management System Program, including a schedule for expeditiously implementing the Information Management System Program, described below.

i. The Information Management System Program shall include a Capacity Assurance Program component to be used to track and analyze new connections/increases in flow from existing connections and tracking the cumulative analyses and relating those analyses to the infiltration/inflow reduction program.

ii. The Information Management System Program shall include a CMOM\_Programs Information Management System to be used to evaluate Management Programs, Operation Programs, Maintenance Programs, SSOs, the status of system rehabilitation, and overall system performance. The program shall track management, operational and maintenance activities; shall include operating and maintenance reports and standard operation and maintenance forms used by the City personnel; and shall provide for supervisor review of records and record maintenance.

iii. The Information Management System Program shall include a Complaint Management and Complaint Tracking Information Management System to be used to track customer complaints and to enhance customer service. The Complaint Management and Complaint Tracking Information Management System shall include complaint reports and work order forms used by field personnel and shall provide for field supervisor review of field records and records maintenance.

iv. The Information Management System Program shall include a Performance Indicators Computation Program to provide supervisors with guidance to adequately evaluate data collected in the Information Management System for use in determining the condition of the system. Development of this program shall include identification of performance indicators (i.e. SSO data, per capita waste flow, effluent compliance) and a process for evaluating the performance of the City's CMOM Programs based upon data collected from the Information Management System Program.

### **DOCUMENTATION AND REPORT SUBMITTAL**

20. Review of Submissions. After review of any report, notification, documentation, or submittal that is required to be submitted by the City to the EPA for approval pursuant to this Order, the EPA shall in writing approve the submission, approve part of the submission and disapprove the remainder, or disapprove the submission.

A. Approved Submissions. If a submission is approved by the EPA, the City shall take all actions required by the submission in accordance with the schedules and requirements of the submission as approved. If the submission is approved only in part, the City shall, upon written direction from the EPA take all actions required by the approved plan, report, or other item that the EPA determines are technically severable from any disapproved portions. Following the EPA's approval of any submission or portion thereof, such submission or portion thereof so approved shall be incorporated into and become enforceable under this Order.

B. Disapproved Submission. If the submission is disapproved in whole or in part, the City shall, within forty-five (45) days or such other time as the EPA and the City agree to in writing, correct all deficiencies and resubmit to the EPA the submission, or disapproved portion thereof, for approval, in accordance with Paragraph 20. If the resubmission is approved in whole or in part, the City shall proceed in accordance with Paragraph 20.A. If the resubmission, or portion thereof, is disapproved in whole or in part, the EPA may again require the City to correct any deficiencies or itself correct any deficiencies, subject to the City's right to invoke Dispute Resolution as set forth below. Upon the EPA's correction of any deficiencies, such resubmitted plan, report, or other item, or portion thereof will be incorporated into and become enforceable under this Order and shall be implemented by the City according to the approved, subject to the City's right to invoke Dispute Resolution as set forth below.

C. Dispute Resolution. If the City disagrees, in whole or in part, with any EPA disapproval of a submission required under this Order, the City may invoke the informal dispute resolution provision of this Paragraph by notifying the EPA in writing of its objections (Notification of Objection), and the basis therefore, within fourteen (14) calendar days of receipt of the EPA's notice of disapproval. Such Notification of Objection shall set forth the specific points of the dispute, the position which the City asserts should be adopted as consistent with the requirements of this Order, the basis for the City's position, and any matters which it considers necessary for the EPA's determination. The EPA and the City shall have thirty (30) calendar days from the receipt by the EPA of the Notification of Objection, during which time representatives

of the EPA and the City may confer in person or by telephone to resolve any disagreement. If an agreement is reached, the resolution shall be written and signed by an authorized representative of each party. In the event that resolution is not reached within this thirty (30) calendar day period, the EPA will furnish to the City, in writing, its decision on the pending dispute (EPA's Decision), and the City shall correct all deficiencies and resubmit to the EPA the submission, or disapproved portion thereof, for approval within forty-five (45) days or such other time as the EPA and the City agree to in writing. The time for the informal dispute resolution may be extended by agreement of the parties.

21. Reporting. The City shall submit to the EPA written quarterly progress reports (Quarterly Reports). A Quarterly Report is due the 28<sup>th</sup> of the month following the end of a quarter (January-March, April-June, etc.). The first Quarterly Report is for the first full quarter after the Effective Date of the Order, and is due following the end of that full quarter. Quarterly Reports shall include:

- A. A description of the actions which have been taken toward achieving compliance with this Order since the previous Quarterly Report.
- B. An assessment of the effectiveness of such actions in preventing SSOs.
- C. A list of any SSOs that occurred since the previous Quarterly Report. The list shall include the data specified in Paragraph 16 above.

22. Notifications to, or communications with, the EPA by the City shall be deemed submitted on the date they are postmarked and sent by registered mail, certified mail (return receipt requested), or deposited with an overnight mail/delivery service. Notifications to, or communications with, the City by the EPA shall be deemed received three (3) days after the date they are postmarked and sent by registered mail, certified mail (return receipt requested), or deposited with an overnight mail/delivery service.

23. All reports, notifications, documentation, and submittals required by this Order shall be signed by a duly authorized representative of the City as specified by 40 C.F.R. §§ 122.22(b)(2) and (d) and shall include the following statement:

"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

24. All reports, programs, plans notifications, documentation, and submittals required by this Order shall be sent by certified mail or its equivalent to the following address:

Denisse D. Diaz. Chief  
Clean Water Enforcement Branch  
Water Protection Division  
ATTN: Mr. Dennis J. Sayre  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

25. Force Majeure. When circumstances are occurring, or have occurred, which may delay the completion of any requirement of this Order, whether or not arising from causes beyond the control of the City, including, but not limited to its consultants and contractors, despite the City's best efforts to fulfill the requirement, the City shall so notify the EPA, in writing, within twenty-one (21) days after it learns, or in the exercise of reasonable diligence under the circumstances should have learned, of the delay or anticipated delay. The notice shall describe in detail the basis for the City's contention that it experienced a delay, the anticipated length of the delay, the precise cause or causes of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which those measures will be implemented. Failure to so notify the EPA shall constitute a waiver by the City of any claim for delay under this paragraph as to the event in question. If the EPA finds that a delay in performance is or was from causes beyond the control of the City, the EPA may extend the time for performance, in writing, for a period to compensate for the delay resulting from such causes.

#### **FINAL REPORT AND TERMINATION OF THIS ORDER**

26. Within thirty (30) days after the City has satisfied the terms of this Order by completing the measures set forth in the WCTS Remediation Plan as required by Paragraph 17.D.v., by establishing and successfully implementing for a period of twenty-four (24) months the SORP set forth in Paragraph 18, and by establishing and successfully implementing for a period of twenty-four (24) months all of the other the CMOM programs and other requirements in this Order as set forth in Paragraph 19, the City shall submit for EPA review and approval a **Final Report** that includes: (a) a description of all of the actions which have been taken toward achieving compliance with this Order; (b) an assessment of the effectiveness of such actions in eliminating SSOs; and (c) an analysis of whether additional actions beyond the scope of this Order are necessary to further eliminate SSOs. If the EPA determines, after review of the Final Report, that the City has satisfied the terms of this Order, EPA will provide notice to the City and this Order shall be deemed terminated. If the EPA determines that any of the measures set forth in the WCTS Remediation Plan as required by Paragraph 17.D.v. have not been satisfactorily completed or that the SORP and other CMOM programs have not been established or successfully been in place for a period of twenty-four (24) months in accordance with this Order, the EPA will notify the City, provide a list of the deficiencies, and may require the City to

complete the measures and/or modify the programs as appropriate in order to correct such deficiencies. If so required, the City shall implement the measures and the modified and approved program(s) and shall submit a modified Final Report in accordance with the EPA notice. Failure by the City to complete the measures or implement the approved modified program(s) shall be a violation of this Order.

### **GENERAL PROVISIONS**

27. For purposes of this Order the City admits to the jurisdictional allegations set forth herein, but neither admits nor denies the factual allegations set forth herein, and nothing in this Order shall constitute an admission of liability, fact, or law or of any wrong doing on the part of the City.

28. The City waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the City may have with respect to any issue of fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

29. The City reserves the right to contest liability in any subsequent action filed by the EPA to seek penalties for violation of this Order on Consent, and reserves the right to contest liability in any subsequent action filed by the EPA for any violations alleged in the Findings, above.

30. The City's compliance with this Order does not necessarily constitute compliance with the provisions of the CWA 33 U.S.C. § 1251 *et. seq.*, or with the City's NPDES permit. The City shall remain solely responsible for compliance with the CWA, its NPDES permit and this Order.

31. Failure to comply with the requirements herein shall constitute a violation of this Order and the CWA, and may subject the City to penalties as provided in Section 309(d) of the CWA, 33 U.S.C. § 1319(d).

32. This Order shall not relieve the City of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any other federal, state or local permit. Compliance with this Order shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

33. Nothing in this Order shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of the City's violation of this Order or of the statutes and regulations upon which this Order is based, or for the City's violation of any other federal or state statute, regulation or permit.

34. Nothing in this Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of the City, or other liability resulting from violations that were not alleged in this Order. The United States does not waive any right to bring an enforcement action against the City for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

35. This Order applies to and is binding upon the City and its officers, directors, employees, agents, successors and assigns.

36. Any change in the legal status of the City, including but not limited to any transfer of assets of real or personal property, shall not alter the City's responsibilities under this Order.

37. Pursuant to Section 309(a)(4) of the CWA, 33 U.S.C. § 1319(a)(4), the EPA has sent a copy of this Order to the State of Tennessee.

**EFFECTIVE DATE**

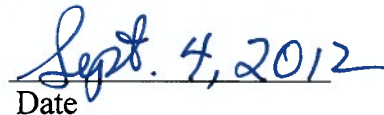
38. This Order on Consent shall become effective upon receipt by the City of a fully executed Order.



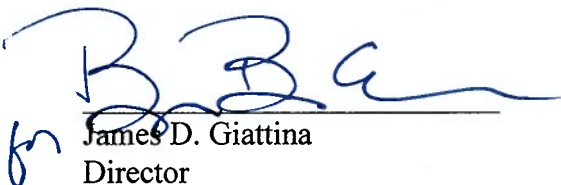
Billy P. Carneal

Mayor

City of Springfield, Tennessee



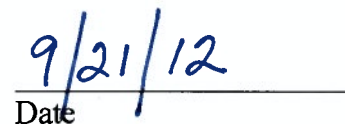
Date



James D. Giattina

Director

Water Protection Division



Date

## **Attachment A**

### **Definitions:**

A. “Building backup” shall mean a wastewater backup into a building that is caused by blockages, malfunctions, or flow conditions in the Sewer System. A wastewater backup into a building that is caused by a blockage or other malfunction of a Private Lateral is not a Building Backup.

B. “Bypass” shall have the meaning set forth at 40 C.F.R. § 122.41(m).

C. “Critical Sewersheds” are defined as those “Sewersheds” in the WCTS that have experienced SSOs in the past five (5) years; currently have, or have had within the past five years, a constructed overflow built into the WCTS; or are upstream of areas experiencing SSOs or having constructed overflows.

D. “Excessive Infiltration and Inflow” (Excessive I/I) shall mean the quantities of infiltration/inflow which can be economically eliminated from a sewer system as determined in a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow.

E. “Private lateral” shall mean that portion of a sanitary sewer conveyance pipe, including that portion in the public right of way, that extends from the wastewater main to the single-family, multi-family, apartment or other dwelling unit or commercial or industrial structure to which wastewater service is or has been provided.

F. “Sanitary Sewer Overflow” or “SSO” shall mean an overflow, spill or release of wastewater from a Sewer System including unpermitted discharges; overflows, spills, or releases of wastewater that may, or may not have reached waters of the United States or the State; and all building backups.

G. “Sewershed” is a particular segment or section within the WCTS identified using existing alpha-numeric numbers used by the City as a mapping identification tool to divide the WCTS into smaller manageable subsystems.

H. “Sewer System” shall mean the STP and its associated WCTS.

I. “Sewage Treatment Plant” or “STP” shall mean devices or systems used in the storage, treatment, recycling, and reclamation of municipal wastewater. For purposes of this Order, this definition shall include all facilities owned, managed, operated, and maintained by the City, including but not limited to the Springfield STP.

J. “Unpermitted discharge” shall mean a discharge of pollutants which reaches waters of the United States or the State from the Sewer System (including constructed

overflows), from STPs through a point source not specified in an NPDES Permit, or from STPs which constitutes a prohibited a Bypass.

K. "Wastewater Collection and Transmission Systems" or "WCTS" shall mean the municipal wastewater collection and transmission systems, including all pipes, force mains, gravity sewer lines, lift stations, pump stations, manholes and appurtenances thereto, which are owned or operated by the City.